IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.2599 OF 2000

Dated: August 29, 2007

Between:

Guthula Venkat Rao, S/o. Bhushanam, 58 years,
Labour, R/o. R.S.No.264/2, Kunavaram
Village, Kunavaram Mandal, Bhadrachalam
Division, Khammam District, and others.

… Petitioners

And

Mandal Revenue Officer, Kunavaram Mandal,
Bhadrachalam Division, Khammam District,
And others.

… Respondents

Order:

None appears on either side and there is no representation.

Petitioners, sixteen in number, who are residents of Kunavaram village and Mandal, Bhadrachalam Division, seek a Writ of Mandamus to direct the respondents to grant pattas to them in respective of house sites, which they are in possession in R.S.No.264/2, Kunavaram

village and Mandal, Bhadrachalam Division, Khammam District.

In the affidavit filed in support of the writ petition, it is stated that all the petitioners herein belong to backward classes and weaker sections of the society. It is their case that owing to the floods of Godavari and Sabari rivers, which are passing through Bhadrachalam, all their houses were inundated and washed away in the year 1983 and therefore they have taken shelter by erecting thatched huts in the Government land covered by R.S.No.264/2, Kunavaram village and Mandal. It is stated that each of the petitioners, who is in possession of 40 Sq. yards of land, has constructed thatched houses and the Mandal Revenue Officer has recorded their possession and reported to the District Collector that they have not been granted pattas.

The grievance of the petitioners is that as they are landless poor persons, in view of the welfare measures being taken by the Government for grant of house sites to weaker sections, they are also entitled to be granted house site pattas.

This court, while issuing notice before admission, by order dated 21-02-2000, ordered that petitioners shall not be dispossessed from the land in question without due process of law and further by order dated 10-08-2000 admitted the writ petition and ordered that the order dated 21-02-2000 shall continue pending disposal of the writ petition. Though the writ petition is of the year 2000, there is no representation on either side and no counter affidavit is also filed.

Whether the land in R.S.No.264/2, Kunavaram village and Mandal, Bhadrachalam Division, Khammam District is suitable and can be assigned to the petitioners or not, as per the policy of the Government, is a matter that is required to be considered by the competent authority and no direction, straightaway, can be issued to the respondents to assign the land in question to the petitioners.

However, as much as it is stated that petitioners are in possession of the subject land by raising thatched huts owing to the fact that their houses were washed away by floods, I dispose of the writ petition directing the respondents to consider the claim of the petitioners for grant of pattas in their favour as per policy of the Government in force. Respondents shall consider the case of the petitioners and pass appropriate orders, as expeditiously as possible, preferably within a period of four months from the date of receipt of this order. Till such time, no steps shall be taken for eviction of the petitioners from the land in question. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

August 29, 2007
MRR